

***United States Court of Appeals
for the Second Circuit***



**BRIEF FOR
APPELLANT**

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT OF MANHATTAN.
NEW YORK, 10007.

76-7568
APPELLANT'S BRIEF X

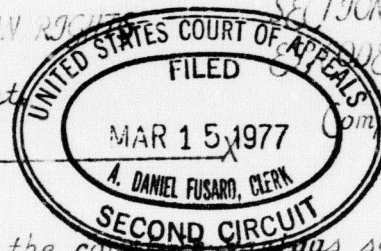
RENE GRINAW,

Plaintiff-Appellant,

-against-

STATE OF NEW YORK DIVISION OF HUMAN RIGHTS

Defendant-Respondent.



Docket No T-6637.

Docket No 76 C-1363, D.C.N.Y.

APPELLANT BRIEF TO DISMISS

DEFENDANT PURSUANT TO THIS

SECTIONS OF THE UNITED STATES

CODE TITLE 42.

Complaint.

1. The defendant were favorite by the courts as sections of the United States Code Title 42, in bases of ilegal processing against to this provisions of this following sections, (a) 1903, (b) 1905, (c) 1906, (d) 1907, (e) 1908, (f) 2000e-2, (g) 2000e-3, (h) 2000e-5.
2. The case above were dismissed in bases of continuing discrimination actions between the defendant-respondent and the Court.
3. The defendant after made violations of the United States Code Title 42, --- were failure to appear and answer of the complaint and summons within 20 days as are provided in the Rule 4, of the Federal Rules of Civil Procedure, also were failure to comply with the rule 6 (b) of the Federal Rules of Civil Procedure, because were filed of the notice of motion, four days after expiration of the time of 20 days, and the defendant no writtin to the court a notice for extension ten days before to expiration of the time, and no - filed a new notice of motion for new trial within 10 days after entry default.
4. The defendant as State public officials and have purpose of providing a federal remedy for deprivation of federally guaranteed rights, were in favor of unlawful employment practices of discriminations all in opposition to the defendant performance of his official functions as state division of

human rights, with admitted past and present discriminations from employer and determinate a such decision of No cause of discrimination without any conciliation hearing etc between my party as plaintiff or complainant and the employer respondent.

5. The defendant as State Division of Human Rights, to know that the employer - were made two actions of discrimination before, in the date of July 23, 1974 and February 3, 1975, also were failure to comply with the defendant Agreement made in March 25, 1975 in all facts included with my suspension of employee - and salaries in the date of January 19, 1976, by my procted of refusing Evaluation examination by employer in cases of workmen's Compensation, that the employer to know I were assistance by a Private Physician and handler the certificate of my private physician, that were says I am until unable to work - after February 24, 1976. And the employer were try to return my self to work in January 19, 1976 and taken a blood Test, without my consent. As a deprivation of my rights as citizens of the United States, because my National Origin, Color Sex, and previous charges against to the employer by continuing practices of discriminations against my self and my opposing to the practice.
6. The defendant and the Court to know its, because I give this proof as meritorious cause of that I were victims of continued discrimination in the dependence of the employer City of New York Health and Hospital Corporation, SeaView Hospital and Golwater Memorial Hospital.
7. The defendant untimely Notice of Motion were made pursuant to the Rule 12 (b) of the Federal Rules of Civil Procedure, also the Order and Judgment, no as a proof of justificate evidences that my allegations filed against to the defendant in bases of violations of the United States Code Title 42, are not true, because the defendant were such that the decision made by the State Division of Human Rights, were made agaisnt to the provisions of this sections above,

and as excuse for raising all true of my allegations pursuant to this sections of the United States Code Title 42.

8. The Court in conspiracy or favorite in the side of defendant after the ilegal -- hearing celebrated in October 13, 1976 in private form, were interpretate the hearing out of the line on the allegations filed by the defendant, of the Federal Rules of Civil Procedure, for embarrassing my self between ^{Civil} ~~ex~~ procedure and Civil Right Statute, Because the court never mentioned the alleged of the defendant of that I am state a claim upon which relief can be granted, the court were change this matters to ^{the} defense of state laws hen my pleading are based in Mattters of Federal laws and rules that are not goberned by state practice ~~but~~ by Federal laws and - rules. Moreover the Court in the case by ~~dfenden~~ to the defendant and not to the plaintiff's Pro se, in his testimony says ^{may be} ~~my~~ lie or recommendations in opposing to the United States Code Title 42, as followings (a) That the federal courts no have jurisdiction by handle case of civil rights action, when alone the federal courts have power to enforce compliance with the civil rights statute, also ~~when~~ the federal courts or district courts should not be deprived of jurisdiction of action under this subchapter 2000e-5, because violations complained of continued throughout the administrative process, and any action brought pursuant to this - subchapter may be brought in any district court within state.
- Also There is no constitutional or statutory right to appointed counsel for employment discrimination claims, the court were in deprivation of my rights becuase says I am a Nurse no a licensed lawyer. And I am need to get a lawyer to handle the case because the court cannot help my self, and I will have to dismiss.

This is the reason why I am as plaintiff's Pro se, with all my rights as a naturalized citizens of the United States of America with all my evidences of violations of the laws of the United States, by the employer, defendant as State of New York Attorney General for defendatt, I made this appeals by try to finding the complia

Page No. 4,

nce with the laws and Federal rules in bases of equal protection of the laws, as are provided in the Constitution Amendment 14 of the United States of America. And others Executive Orders, Nos 27246, 11476, etc, and mandate from the United States Congress.

I am to know that the Honorable Judge in charge in this matter were refusing give my rights because I am a plaintiff pro se, with letter interpertrations of the -- citizens rights, sufficients in this matter for the court indolge pro se pleaders with more liberal standard that that permitted to attornneys and so as to do substantial justice, because the facts that I were discriminate by three time by the employer, that I were suspended of employee during the porcessings of claim workmens compensation benefits by injured in the job, and force to taken blood test - with out my consent, that the defendant no were filed his answer of the complaint and summons within 20 days and were Ignorance to this rules, that no persons need appointed counsel in cases of employment discrimination, that the defendant never showing any proof against my exhibits of evidences of discriminations, that the defendant were excused with the theory of the plaintiff fails to state a claim upon which relief can be granted, that the infantil excuse of the citizens need claim complaint with E.E.O.C before to charge suit to the court that the defendant says no facts are alleged in support of plaintiffs conclusory allegations of conspiracy and discrimination after all above, are sufficients facts for the Judge in charge made a good faith decision without that I need to made an appeals in the comprobated cases of continuing discriminations and violations of the Federal Laws and Rules of the United States as a perpetuate presecution, because my National Origin, race Spanish, etc. Because I was claim the amount of 16 Million of Dollars by embarrassing made by the State of New York namely Division of Human Rights, this amount were claims in bases of a such conventionality that the defendant State of New York Division of Human Rights, that the cause of action is against State of New York Division of Human Rights, and substantial relief is sought against them

Page No 5,

they are real parties in interest as are provided in the Federal Rule of Civil Procedure Rule 10, and Rule 11, that complaint In civil rights action where caption of complaint did not list individual Division board members as defendants, only the Division Board was a defendant. The defendant if his have all proof for showing to the court in a jury trial that my allegations are not true in accordance with the laws and rules need not to praying to the court for a ilegal and criminal order of to dismissed my rights in a case of the general public importance, why the defendant if done good equity of the rights in his functions were preferred to force the court to do wrong exercise if -- the execution of the laws and no preferring taken a public hearing for demonstrate to the court and the peoples that ~~had~~ having been corruptions of the practices of the Law and Rules in the State of New York Division of Human Rights. I never thinking obtain from the State of New York Division of Human Rights - the amount of the relief demanded that justally in according with the laws - and Federal Rules I am entitled, becused the defendant are guilty by failure to appear and others rules, etc. That the relief can be granted.

This are a problem of the defendant no a problem of the judge for dismissing my complaint because I am non-attorney and no ~~had~~ an Attorney that nothing have to do with this violations of the laws and Rules, that are is problems of the Court and my self also for all peoples that believe in the State of New York Division of Human Rights, the amount of the relief I dont have any interesting for recover from the Court of Appeals, the Supreme Court and the Congress of the United States I would like that the Court of Appeals honestly in bases of equity determine the amount in accordance with the sum demanded, and more - importance as a federal remedy of deprivation of federally guaranteed rights, my re-instatemnt in a position in accordance with my background because this is this important party of my life and the supreme sacrifice I were to assistant to the school almost 45 years.

Page No 6.

also are victims of the sacrifice my child, wife, and families, because I am too a honest person with same feeling and humanities sensitive as man and son of the GAD.

In the hand of the United States Court of Appeals for the Second Circuit I am such leave this matters, because I am believe in the Courts and Reputations of the Court, by his history in others cases similar that in my summary judgment memorandum as plaintiff's pro se, I am included on the ground of that plaintiff are entitled to judgment as a matter of law.

CONCLUSION ON SHORT STATEMENT ABOUT THIS DISCRIMINATION

ACTION MADE BY THE EMPLOYER CITY OF NEW YORK HEALTH AND HOSPITAL CORPORATION

On April 1974 I was employee as Professional Nurse at Sea View Home and - Hospital in Raritan Island New York, dependence of The City of New York - Health Hospital Corporation, in July 23, 1974 I were suspended of employee and salaries, by various maladministration and practices made by the hospital against to the patient, that my self were in protected because this mal practices Professional were affect to patients etc. Reasons for the hospital in - vindication of justify that my opposition to mal practices may be - affectate to the hospital also the City of New York Health and Hospital - Corporation, I were victims of a wrong evaluation as professional Nurse, with a certificate of probation complete wrong also in opposition to my performance as Professional Nurse, that I was refusing signature, and I was suspended, after this action I were present to the City of New York Division of Human Rights, and filed A complaint against to the employer, also date after I were present by my self in the Administrations of City Of New York Health and Hospital Corporation, for explain to the Director of Personnel Relations, about this all matters occurred in the Hospital, four date after I were orderate to -- comeback to the Hospital in August 1, 1974, after I were forced by the Assistan

Page No 7.

± Director Nursing Mr. Martinee for signature Ten days vacation, when I am only have four months as employee, this ten days were the time that I were suspended without reasons, and as a justification of my suspension illegal of ten days the hospital were issued the ten days vacation, never happening with others employee with only four months as employee. This action were for eliminate my complaint before to the City of New York Human Rights Commission and closed my case with prejudice of ten days vacation etc. Attached Exhibits (A) Complaint before City of New York Division of Human Rights, date July 23, 1974. Attached Exhibit (B) Copy of Evaluation made in form of discrimination, by this persons that were occurred all mal practices. Exhibit, (C) copy of forced vacation of 10 days with only four months as -- Employees. This above evidences are clear prove of discriminations action made from the employer City of New York Health and Hospital Corporation, as past discrimination that the defendant State of New York Division of Human Rights to know and need keep as meritorious merits in favor of complaint. On February 3, 1975 after a series of more discrimination ~~against~~ to my self, I filed A complaint after the State of New York Division of Human Rights, - against to the employer City of New York Health Hospital Corporation, in - tis matters I mentioned this name of persons involve in the conspiracy ~~with~~ interfere of civil rights laws, (See Attached (D) copy of complaint, also On March 25, 1975 the State of New York Division of Human Rights, defendant Now on Respondent, were celebrate a Conciliation within the employer and my self because founding discrimination actions from employer, See Attached Exhibit (E), this are other prove that the employer having been Past discrimination action against my person, This all facts of the agreement were made by the - Attorney for defendant City of New York Health Hospital Corporation in a ilegal manner because his were in representation of the party in opposing.

I were protected in a panel of 14 persons against to my persons, and the State of New York Division of Human Rights as parties in the panel was admitted the agreement made by attorney for defendant without any objection in my favor in cases of reprisals from the employer by my opposition and complaint of discrimination etc. The agreement were violate by employer because the date set I am Having been to transfer to other Hospital of City of New York within One month from the date of March 25, 1975 were Ignorance by the employer and the State of New York Division of Human Rights with prejudice to my self of more of One months without salaries, this are other prove of past discrimination - that the defendant State of New York to know and were need keep in records in favor of my complaint as meritorious causes, against to the employer.

On August 1, 1975 I were transfered to Golwater Memorial Hospital other hospital of the City of New York Health Hospital Corporation, in accordance with the compliance with the agreement made in march 25, 1975, within August 1, 1975 to December 11, 1975 I were victims of various actions of discriminations made by the employer Golwater Memorial Hospital, as no consideration to my background and experiences, and recommendation made in the agreement of March 25, 1975, this actions were clear that the employer City of New York Health Hospital Corporation having intended purpose of denying equal protection of the law.

On December 11, 1975 date of the present discrimination statting and directed cause of this matters I am were victims of a injured in curse of my job, at -- the moment that I help a Physician for making a blood test to a patient in -- state of Semi-coma, and the Physician accidentally struck on (R) middle finger with a dirty needle -used in draing blood from patient at 1:30 P.M, date that this accident were report by the supervisor of Nursing to the Health Clinic in Golwater Memorial Hospital, See Attached Exhibit (F) copy of report made in December 11, 1975, and referred to a private physician and off duty, by the Physician of the employer helath clinic.

The employer City Of New York Health and Hospital Corporation Godwater Memorial Hospital, at the moment starting of violation of City of New York Contract with the Employees Union, because were deprived my rights for claim workmen's Compensation benefits See Attached Exhibit (G) and (H).

On December 17, 1975 I were return to the hospital for obtain my claim compensation forms, and the employer were refusing and order to my self comeback to the health clinic for examination and illegally order sent off Comp and Seet advise for return to duty. The Physician order were referred agains to my private M.D. See Attached Exhibit (I) report of December 17, 1976, This were a deprivation of citizens rights made by the employer.

On December 22, 1975 I writtin a letter to the Director of Nursing about my payment and forms of claim workmen's Compensation benefits, this letter never were answer. See Attached Exhibit (J).

On January 12, 1976 I am sending a letter to Director of Nursing certified with my doctor certificate. See Attached Exhibit (K). and (L).

On January 13 I were received a letter from the employer made intentionally to a wrong addres with date January 4, 1976, about a threats but to terminate my job. See Attached Exhibit (LL), this are other prove of preventing discrimination by the employer.

On January 14, 1976 I writtin other letter to the employer about my re-sending Certificate of my Private doctor and explainting that the employer may be have my certificate before of the wrong letter. (See Attached Exhibit (M), and (N).

On January 19, 1976 I was personally to the Hospital for obtain my cheks and singnature my claim of compnesation, the employer were refusing give any cheks and that I am singnature any papers of compensation claims etc. The employer in other manner of deprivation of my rights, were order I am comeback to the Health Clinic for examine, I going to the Clinic I were exminate and were refusing any blood test without my consent and my private doctor order, also because I no receive any order from State Workmen's Compensation for examination -

and my self no come to the employer offices for return to work, only for obtain my payment and singnature compensation benefits claim. See Attached Exhibit (P) That said Attached Certificate, and Kinsly examine and advise. Also my note that I am refusing to take others doctor examination after my private doctor certificate that says I return to work in February 24, 1976.

On January 19, 1976 after I were retur from the health clinic, the employer - had in the Officie a Nursing representative Mrs Goins, also the employer were try that I am singnature a my suspension of employee ~~69~~ refused taken a - blood test examination without my consent and advise for return to work, this suspension were refusing too signed by the Nursing representative, because - her to know that the employer try to made an arguement for my discharge as employer also that the employer violate the City Contract of immediatly claims of Workmen's Compnesation benefits etc. This Statement of ilegal suspension - was made in bases of intended prejudice to my person because were called as insorbordination, for deprived my rights to collect unemployment etc. See attatched (Q), If all this prove above are not a causes of Past and Present discrimination actions made by the employer with evidences f on the (Atto Q) I am no understanding of the laws of discriminations. Also if the defendant State of New York Division of Human Rights, was decide that in this case no having been discrimination from parties of the employer are very clear that the State of New York Division of Human Rights, deffenitively are in conspiracy to interfere with civil rights, and conspiracy under the laws, by action under color of state law, under this sections of the title 42 subchapter 1965, relating to a conspiracy to interfere with civil rights, See Attached (R), as summary Judgme nt Memorandum. Exhibit (S), (T), (U), (V), (W), (X), (Y), (Z, 1.), (Z, 2, 2), (Z, 3. 3) As a permanent decision made by this Federal Courts in similar cases in favor of complaint with evidences in according with the compliance with this sections

of the United States Code Title 42, alleged in my complaint and summons against to the defendant State of New York Division of Human Rights.

9. Other Federal Rules of The Federal Rules of Civil Procedure are favorite in this matter against to the defendant State of New York Division of Human Rights, as this Followings Exhibits.

(A). Rule 4 of the Federal Rules of Civil Procedure. That provided No later of 20 days for answer of the complaint and summons after upon served.

(B) Rule 5, of the Federal Rules of Civil Procedure, That Only New Trial on additional claims for relief against are asserting by the pleadings.

(C) Rule 6, of the Federal Rules of Civil Procedure, Provided; default from which the designated period of time begins to run shall not be included. Rule 6 (b) (2) upon motion made after the expiration of the specified period permit the act to done where the failure to act was the result of excusable neglect.

(D). Rule 6. summary judgment memorandum, (d, 1.), (d, 2.), (d, 3.), (d, 4.).

(E) Rule 5. of the Federal Rules of Civil Procedure, (5, 1.), (5, 2.).

Rules of the Federal Rules of Civil Procedure, are questions of the Federal Courts, but not of state rules.

(F) Rule 8, of the Federal Rules of Civil Procedure; Provided; Construction of Pleadings. All pleadings shall be so construed as to do substantial justice.

(f, 1.), (f, 2.), (f, 3.), (f, 4.), (f, 5.), (f, 6.), (f, 7.), (f, 8.), (f, 9.).

(G) Rule 10. of the Federal Rules of Civil Procedure, Provided; Substantial -- relief is sought against them, they are real parties in interest.

(g, 1.)

Rule 11, Supplementary Index to Notes.

(H). Rule 11 of the Federal Rules of Civil Procedure, Provided; Complaint did not list individual State of New York Division of Human Rights Board or Commission members as defendants, only the State Division Board was a defendant.

(h 1.).

(J) Rule 12 of the Federal Rules of Civil Procedure; Provided; 12 (a) A defendant shall serve his answer within 20 days after service of the summons upon him. The defendant in this matter were served in July 22, 1976, and the Notice of Answer were filed in August 16, 1976. was result untimely because the date for expiration were August 12, 1976. To dismiss for failure to state a claim - upon which relief can be granted, No are a sufficient excuse for the defendant after failure with the Rule 12 (a) that is provided before to the Rule 12 (b). also for admitting this violations of this all rules of the Federal Rules of Civil Procedure mentioned in this appeals and others laws of the United States Code Title 42, above in the appeal. The relief may be have remedy equity, this violations of this laws and Federal Rules by competent formal lawyers, are not excuse by the Courts, because are not infants, mentally or incompetent persons by slander this public officials, and have purpose of providing a federal remedy for deprivation of federally guaranteed rights.

(K) Section 1983 of The United States Code Title 42, Exhibit.

CONCLUSION.

On March 1, 1976 I filed my charge Against to the Defendant City Of New York Health And Hospital Corporation Golwater Memorial Hospital, by past and Present discrimination against my self. See Exhibit (L).

On May 20, 1976 the defendant without any hearing withing my self and other parties, were made a Determination and Order after investigation, as a continued action of discriminations against my self, becauses all informations are in oppositions to the true actions.

On July 21 I filed my complaint and summons at The United States District Court Of Eastern District of New York.

On July 22, 1976 of the Complaint ant Summons were seved to the Defendant.

On August 16, 1976 the defendant filing A notice of Motion Pursuant to the Rule 12 (b) for To dismiss my complaint.

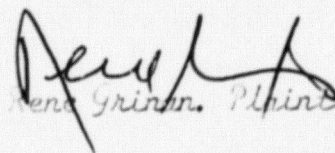
Page 13.

On August 16, 1976 I filed My Entry Default Because the defendant in August 12 No having been filing the Notice of Answer of the Complaint and Summons.

On August 16, 1976 I filed my Opposing to defendant Notice of Motion.

On October 13, the Court were celebrate A hearing Private in this matter of public importance. And the result were I am were illegally dismissing by the Court. See Attached Order of dismissing, date in October 20, 1976.

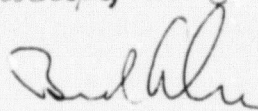
I am as plaintiff by pro se, I would like that the Court celebrate a Jury Trial on Determine this matter by Original Complaint filed etc.


Rene Grinn. Plaintiff Pro se.

STATE OF NEW YORK (SS:
COUNTY OF NEW YORK)

Shown and subscribed before me This 22 day of December 22, 1976.

Including or Closed Copy of Transcript, and Evidences.



BERNARD WEAVER
NOTARY PUBLIC, State of New York
in Queens Co., No. 41-4183020
Reside first in Queens Co.
Commission Expires March 30, 1977.